

<input checked="" type="checkbox"/> FILED	RECEIVED
<input type="checkbox"/> ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
DEC 17 2015	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

7 DENNIS SUDBERRY,

8 Plaintiff,

9 v.

10 ISIDRO BACA et al.,

11 Defendants.

12 ) 3:15-cv-00612-RCJ-VPC

## ORDER

## 13 I. DISCUSSION

14 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
 15 ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1).  
 16 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in*  
 17 *forma pauperis*.

18 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
 19 application to proceed *in forma pauperis* and attach both an inmate account statement for the  
 20 past six months and a properly executed financial certificate. The Court will retain Plaintiff's  
 21 civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the  
 22 filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed  
 23 *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses  
 24 to file an application to proceed *in forma pauperis* he must file a fully complete application to  
 25 proceed *in forma pauperis*.

## 26 II. CONCLUSION

27 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND  
 28 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as  
 the document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that within **thirty (30)** days from the date of this order,  
2 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the  
3 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or  
4 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50  
5 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF  
9 No. 1-1), but shall not file it at this time.

10

11

DATED: This 17<sup>th</sup> day of December, 2015.

12

13

  
\_\_\_\_\_  
United States Magistrate Judge

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28